



PATENT

CERTIFICATE OF MAILING

I hereby certify that on 9/2/03, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop DD, P.O. Box 1450, Alexandria, VA 22313-1450

Trudi Thompson
Trudi Thompson

Applicant: Fitzhugh et al.
Serial No.: 10/623239
Filed: July 17, 2003
Title: Highly Cross-Linked,
Extremely Hydrophobic
Nitric Oxide-Releasing
Polymers & Methods for
Their Manufacture & Use
Group Art Unit: Unassigned
Examiner: Unassigned
Docket No.: 14364.99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents
Mail Stop DD
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, Applicants submit herewith patents, publications, or other information of which they are aware that may be considered in connection with the above-referenced patent application. Submission of this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "material" to Applicants' invention as that term is currently defined in 37 C.F.R. § 1.56 (37 CFR § 1.97(h).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other relevant information exists.

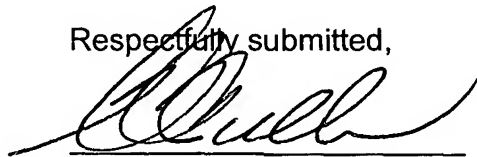
The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

A Patent and Trademark Office Form 1449 listing each of these informational items is enclosed along with a copy of each item. A copy of the cited references are not

included. Copies can be found in the parent case, U.S. application serial number 09/972219 filed October 4, 2001.

This Information Disclosure Statement is being filed before the mailing date of the first Office Action issued on the merits of the subject application in accordance with 37 C.F.R. §1.97(b)(3). In the event that a first Office Action has been mailed to the undersigned prior to the mailing of this Information Disclosure Statement, the Commissioner is hereby authorized to charge payment of the applicable fee pursuant to 37 C.F.R. § 1.17(p) to Deposit Account No. 50-1329. A duplicate copy of this document is enclosed.

Respectfully submitted,



Louis C. Cullman
Registration No. 39,645

September 2, 2003

STRADLING YOCCA CARLSON & RAUTH
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660
Telephone: 949.725.4000
Facsimile: 949.725.4100

Please type a plus sign (+) in this box → ☒

Approved for use through 10/31/99. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	09/972,219
				Filing Date	10/04/2001
				First Named Inventor	Fitzhugh et al.
				Group Art Unit	1616
				Examiner Name	Unassigned
Sheet	1	of	3	Attorney Docket Number	17363-20

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	U.S. Patent Document		Date of Publications of Cited Documents MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ²			
		4954526		09/04/1990	Keefer	
		5039705		08/13/1991	Keefer et al.	
		5155137		10/13/1992	Keefer et al.	
		5171217		12/15/1992	March et al.	
		5212204		05/18/1993	Keefer et al.	
		5229172		07/20/1993	Cahalan et al.	
		5250550		10/05/1993	Keefer et al.	
		5268465		12/07/1993	Bredt et al.	
		5366997		11/22/1994	Keefer et al.	
		5380758		01/10/1995	Stamler et al.	
		5405919		04/11/1995	Keefer et al.	
		5428070		06/27/1995	Cooke et al.	
		5468630		11/21/1995	Billiar et al.	
		5482925		01/09/1996	Hutsell	
		5519020		05/21/1996	Smith et al.	
		5525357		06/11/1996	Keefer et al.	
		5574068		11/12/1996	Stamler et al.	
		5583101		12/10/1996	Stamler et al.	
		5632981		05/27/1997	Saavedra et al.	
		5650447		07/22/1997	Keefer et al.	
		5658565		08/19/1997	Billiar et al.	
		5676963		10/14/1997	Keefer et al.	
		5683668		11/04/1997	Hrabie et al.	
		5691423		11/25/1997	Smith et al.	
		5700830		12/23/1997	Korthuis et al.	
		5714511		02/03/1998	Saavedra et al.	
		5718892		02/17/1998	Keefer et al.	
		5721365		02/24/1998	Keefer et al.	
		5770645		06/23/1998	Stamler et al.	
		5789447		08/04/1998	Wink, Jr. et al.	
		5814656		09/29/1998	Saavedra et al.	
		5814667		09/29/1998	Mitchell et al.	
Examiner Signature				Date Considered		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.)). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

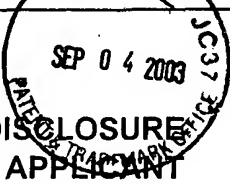
Please type a plus sign (+) in this box → ☒

PTO/SB/08A (10-96)

Approved for use through 10/31/99. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO					Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number		09/972,219	
			Filing Date		10/04/2001	
			First Named Inventor		Fitzhugh et al.	
			Group Art Unit		1616	
			Examiner Name		Unassigned	
Sheet	2	of	3	Attorney Docket Number		17363-20

		5837313		11/17/1998	Ding et al.	
		5837736		11/17/1998	Mitchell et al.	
		5840759		11/24/1998	Mitchell et al.	
		5877216		03/02/1999	Place et al.	
		5891459		04/06/1999	Cooke et al.	
		5910316		06/08/1999	Keefer et al.	
		5945452		08/31/1999	Cooke et al.	
		5958427		09/28/1999	Salzman et al.	
		5962520		10/05/1999	Smith et al.	
		5994444		11/30/1999	Trescony et al.	
		6024918		02/15/2000	Hendriks et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publications of Cited Documents MM/DD/YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁸
		Office ³	Number ⁴	Kind Code ⁵				
		WO	00/02501		William Harvey Research LTD.	01/20/00		

OTHER PRIOR ART / NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	T ²
		Bauer et al.; Evaluation of Linear Polyethyleneimine/nitric Oxide Adduct on Wound Repair: Therapy versus Toxicity; Wound Repair & Regeneration, November/December 1998, pp. 569/577	
		Chandy et al; "Use of Plasma Glow for Surface/Engineering Biomolecules to Enhance Bloodcompatibility of Dacron and PTFE Vascular Prosthesis." Biomaterials 21: 699/712	
		Drago; "Free Radicals in Inorganic Chemistry." No. 36, Advances in Chemistry Series, American chemical society, Washington, D. C. 1962, pp. 143/149	
		Hanson et al; Nitric Oxide Donors: A Continuing Opportunity in Drug Design; Advances in Pharmacology, Vol 34, pp. 383/398	
		Hrabie et al; "New Nitric Oxide/Releasing Zwitterions Derived from Polyamines." J. Org. Chem. 1993, 58, 1472/1476	
		Jordi; Jordi Gel Columns for Size Exclusion Chromatography; Column Handbook for Size Exclusion Chromatography; 1999, pp. 367/425	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.)). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) in this box → ☒

Approved for use through 10/31/99. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO			Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Application Number	09/972,219
			Filing Date	10/04/2001
			First Named Inventor	Fitzhugh et al.
			Group Art Unit	1616
			Examiner Name	Unassigned
			Attorney Docket Number	17363-20
Sheet	3	of	3	

	Kaul et al.; Polymeric/Based Perivascular Delivery of a Nitric Oxide Donor Inhibits Intimal Thicening After Balloon Denudation Arterial Injury: Role of Nuclear Factor/kappaB; Journal of the American College of Cardiology, Vol. 35, No. 2, 2000:493/501	
	Keefer et al.; "NONOates" (1/Substituted Diazen/1/ium/1,2/diolates) as Nitric Oxide Donors: Convenient Nitric Oxide Dosage Forms." Methods in Enzymology, Vol 268: 281/293	
	Mowery et al.; Preparation and Characterization of Hydrophobic Polymeric Films That Are Thromboresistant Via Nitric Oxide Release; Biomaterials 21 (2000) 9/21	
	Saavedra et al.; "Conversion of Polysaccharide to Nitric Oxide/Releasing Form Dual/Mechanism Anticoagulant Activity of Diaseniumdiolated Heparin." Bioorganic & Medicinal Chemistry Letters 10 (2000) 1/3	
	Smith et al.; Nitric Oxide/Releasing Polymers Containing the [N(O)NO] ⁺ Group; J. Med. Chem. 1996, 39, 1148/1156	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.)). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

OC: 147482 v01 02/26/2002